

## Chapter X

### THE REPRESENTATIVE BODY

#### PART I.

#### MEMBERSHIP

1. The Body to represent the Church of Ireland, and to hold property for the use and purposes thereof, called in the Irish Church Act, 1869, the Representative Body of the said Church, and in the Constitution called the Representative Body, shall be composed of three classes, hereinafter called respectively the *ex officio*, the elected, and the co-opted members.
2. The *ex officio* members shall be the archbishops and bishops of the Church of Ireland.
3.
  - (1) The elected members shall consist of one clerical and two lay representatives for each diocese or united diocese under the jurisdiction of one bishop.
  - (2) Every elected member of the Representative Body shall retire from office on the first day of the third ordinary session of the diocesan synod of the diocese which such member represents which shall be held after that member's election: Provided always that any such member having been elected to fill a casual vacancy shall hold office only so long as the person whose place such member fills would have held office if no such vacancy had occurred.
  - (3) The vacancies so occasioned among the elected members shall be filled during the session in which they shall occur by the clerical or lay members in the synod of the diocese for which such vacancies shall have occurred, the clerical members voting only in the election of a clerical representative and the lay members voting only in the election of a lay representative: Provided always that in any united diocese in which there shall be no joint meeting of the diocesan synods, the election of clerical and lay members of the Representative Body may be carried out by means of voting papers sent out to the several persons entitled to vote, or in such other manner as may be determined by agreement between the diocesan councils, or by a joint committee appointed by the diocesan councils, over which the bishop shall preside, and in which the bishop shall, in case of equality of votes, have a casting vote.
  - (4) Any casual vacancy by death, resignation, or otherwise, occurring among the elected members shall be filled, as soon as conveniently may be, by the diocesan council of the diocese for which such vacancy shall have occurred, the clerical councillors present voting for a clerical member only, and the lay councillors present voting for a lay member only: Provided always that in any united diocese in which there shall be no joint council meeting such election may be carried out in such a manner as may be determined by agreement between the diocesan councils.
4.
  - (1) The co-opted members shall consist of persons equal in number to the number of dioceses or united dioceses entitled to elect representatives in accordance with section 3 (1) of this Chapter.
  - (2) Every co-opted member of the Representative Body shall retire from office on the first day of the third ordinary session of the General Synod after co-option: Provided always that if such member shall have been co-opted to fill a casual vacancy such member shall hold office only so long as the person whose place such member fills would have held office if no such vacancy had occurred.
  - (3) The vacancies so caused among the co-opted members shall be filled by election by the remaining members of the Representative Body.
  - (4) Any casual vacancy by death, resignation, or otherwise, occurring among the co-opted members shall be filled, as soon as conveniently may be, by election by the remaining members of the Representative Body.
5.
  - (1) Every beneficed or licensed member of the clergy of the Church of Ireland who is in priest's orders

and who is not in receipt of a pension under the provisions of Chapter XIV shall be qualified to be an elected or co-opted member of the Representative Body.

- (2) Every layperson who, on 1st January preceding election or co-option, had attained the age of seventeen years and had not attained the age of seventy-four years, being a member of the Church of Ireland and a communicant of the said Church, shall be qualified to be an elected or co-opted member of the Representative Body.
  - (3) Any member of the Representative Body, who shall retire in accordance with sections 3 or 4 of this Chapter, shall be capable of being re-elected, to fill either the vacancy occasioned by such retirement, or any other vacancy then or at any future time occurring, for which such member shall be in other respects duly qualified.
6. Any elected or co-opted member of the Representative Body may be removed by resolution of the General Synod for sufficient cause, to be expressed in such resolution, and such person shall immediately cease to be a member, and such person's place shall be declared vacant.
  7. Any elected or co-opted member may, in writing addressed to the Chairperson of the Representative Body, resign from office.
  8. The Representative Body shall be subject to such alterations in the number of its members, or in the rules laid down for their qualification, election, or retirement, as shall from time to time be adopted by the General Synod.

## PART II.

### PROPERTY HELD BY THE REPRESENTATIVE BODY

9. The Representative Body shall hold all property which shall become vested in it in trust for such objects, and purposes, and in such manner, so far as lawfully may be, as the General Convention may have directed, or as the General Synod may have directed or shall ordain and direct, and shall be subject to the order and control of the General Synod in all matters not provided for by the laws of the State.
10. The powers of investment being subject to the control of the General Synod, the Representative Body, provided that it is satisfied as to the prudence and advisability in all the circumstances for the time being existing of making the proposed investment or purchase, shall be at liberty to invest any property vested in it in trust for the Church of Ireland, or for any purpose connected therewith, in any investment that it may think fit and it may borrow such sums of money, not exceeding in total one quarter of the market value of General Funds as at the preceding 31st December, in whatever currencies as may be required to enable it to invest moneys held by it for investment to the best advantage and to give such security and to enter into whatever arrangements as may be necessary in connection therewith: Provided that no member of the Representative Body shall be liable for any loss occasioned by the depreciation or failure of any investment or otherwise save by such member's own wilful default.
11. (1) All movable property, save as hereinafter excepted, which has been acquired since Disestablishment or which shall hereafter be acquired by any parish or church for use in church services, shall be vested in and held by the Representative Body, subject to any trust affecting the same, so long as such trust is applicable and capable of being enforced.
- (2) All such movable property, which from any cause shall have ceased to be required by any parish or church, shall, save in the case of church plate, be disposed of by the Representative Body in such manner as it shall think fit: Provided that the Representative Body may in any particular case delegate its power of disposition to the council of the diocese in which the parish or church is situate.
- (3) The proceeds, if any, of any disposition made under sub-section (2) of this section shall be applied for the purposes of the parish or in such other manner as the diocesan council may direct.

- (4) Nothing in this section shall apply to the movable property of any proprietary or trustee church within the operation of the Irish Church Act, 1869, section 70.
- (5) The Representative Body shall make rules to give effect to the provisions of this section.
- 12. The Representative Body shall be at liberty to let on lease, or to sell either by public auction or by private contract, any see lands, glebes or sites of churches or see or glebe houses, with the buildings thereon, or any school-house vested in it, and the land occupied therewith, which shall be hereafter found unsuited or unnecessary for the Church of Ireland: Provided that no such sale or letting shall be made without the consent of the diocesan council of the diocese in which such property is situated; but it shall not be necessary for any purchaser to inquire whether such consent has been obtained.
- 13. The Representative Body may grant loans for the purchase, repair, improvement, maintenance and enhancement of any real property vested in or held by it on such terms and conditions as it shall from time to time decide, such terms and conditions to be reported to the following session of the General Synod.

### PART III.

#### GENERAL PROVISIONS

- 14. The Representative Body shall possess and may exercise such of the powers vested in the General Synod as shall be by the General Synod, from time to time, committed to it.
- 15. The Representative Body shall be at liberty to provide such houses, offices, or other buildings, as shall be necessary for it for the purpose of meeting therein, or for providing a residence for its officers and servants, or a safe place of custody for its securities, books, accounts or other documents, and to pay the rent, insurance, and all other expenses caused by its providing such house or offices, or which may be otherwise necessary for exercising its powers set forth in this Chapter.
- 16. The Representative Body shall be at liberty to make grants on such scale as from time to time may be determined by it towards the expenses of members attending meetings of:
  - (a) The Standing Committee of the General Synod;
  - (b) The Representative Body;
  - (c) The Board of Education of the General Synod;
  - (d) The Church of Ireland Pensions Board;
  - (e) Such other committees as the Representative Body at its own discretion shall decide.
- 17. The Representative Body shall have power to
  - (a) determine how many members shall form a quorum;
  - (b) appoint sub-committees of its members and determine the quorum for each such sub-committee;
  - (c) appoint and pay such officers and servants as it shall deem necessary;
  - (d) provide pensions for retired officers and servants and for the surviving spouses, orphans and other dependants of deceased officers and servants;
  - (e) remove officers and servants, when it shall think proper to do so;
  - (f) make by-laws for the regulation of its procedure, which by-laws shall be subject to the approval of the General Synod at its next ordinary session.

#### Reports and Accounts

18. (1) The Representative Body shall lay before the General Synod on the first day of each ordinary session a statement of accounts and a report of proceedings, commencing from the termination of the last preceding statement and report. The said accounts shall contain such particulars as shall be required by any rules to be from time to time made by the General Synod.
- (2) The Representative Body shall keep a separate account of all sums which have been allocated out of the sum of £500,000 paid to the Representative Body under the Irish Church Act, 1869, in lieu of private endowments.
19. It shall be lawful for the auditors, appointed by or on behalf of the General Synod to audit the accounts of the Representative Body, at all reasonable times to have access to, and to inspect, the books of account of the Representative Body, and to demand and have the assistance of such officers and servants of the Representative Body and such documents as they shall require for the full performance of their duty in auditing the accounts, and the Representative Body shall furnish to the auditors a full explanation, in writing, of any matters relating to the said accounts whereof the auditors shall by writing signed by them demand an explanation.

## PART IV.

### CHURCH FABRIC AND DEVELOPMENT FUND

20. The Church Fabric and Development Fund ('the Fund'), established by the Statute, Chapter I of 1930, shall be held in trust for (i) the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body and (ii) for the development of initiatives supporting the long term mission of the Church.
21. The Representative Body shall be Trustee of the Fund which shall be maintained as a separate fund and invested in accordance with the provisions of Part II of Chapter X of the Constitution.
22. The capital of the Fund shall consist of monies received from any of the following sources:
  - (a) The sale or compulsory alienation of a church or chapel or of the site or materials thereof; provided that the church or chapel was erected prior to the passing of the Irish Church Act, 1869, and was subsequently vested in the Representative Body ('sale proceeds');
  - (b) Statutory or other insurance compensation arising from the destruction of or damage to a church or chapel, in whole or in part ('compensation');
  - (c) Any donation, subscription or bequest for the benefit of the Fund.
23. The income of the Fund shall consist of interest earned on the capital, together with any grant or allocation which may at any time be made to the Fund from the revenue account of the Representative Body, with the approval of the General Synod.
24. Subject to the provisions of sections 25, 26 and 27, the income of the Fund may be applied at the discretion of the Representative Body for the following purposes:
  - (a) The income of the Fund which has accrued up to 30th June 2016 may be applied for the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body;
  - (b) The income of the Fund accruing from 1st July 2016 may be applied for (i) the restoration or repair of the fabric of any church or chapel, whether cathedral, collegiate or parochial, used for public worship and vested in the Representative Body and/or (ii) the development of initiatives supporting the long term mission of the Church.

The Representative Body shall formulate rules and regulations for the administration and application of the Fund and shall present all rules and regulations to the Standing Committee of the General Synod for approval.

25. The sale proceeds or compensation arising on the sale, compulsory alienation, destruction of, or damage to a church or chapel may, upon the application of the Diocesan Council and with the consent of the Representative Body, be applied, in full or in part, towards the building or repair of an equivalent building used for public worship in the parish where that church or chapel is situated ('the Parish'); or may be applied towards the repair of that church or chapel, where any such compulsory alienation or damage is partial only; provided that the Diocesan Council has certified that the repair or equivalent building is required in the interests of the Parish and that the Parish is willing and able to maintain that church or chapel, or other equivalent building.
26. In any case where section 25 does not apply, not more than 80% of the sale proceeds or compensation may be applied, with the consent of the Representative Body, to the building or repair of an equivalent building used for public worship in the group or union of parishes to which the Parish is attached upon the application of the Diocesan Council which shall first certify that the repair or equivalent building is required in the interest of that group or union of parishes, and that the group or union of parishes is willing and able to maintain it.
27. In any case where sections 25 or 26 do not apply, not more than 80% of the sale proceeds or compensation shall be held in trust by the Representative Body as an endowment for the Parish and (i) the income applied for such purposes in connection with the Parish as the select vestry with responsibility for the Parish, with the consent of the Diocesan Council and the Representative Body, shall decide and/or (ii) the capital made available for the development of such initiatives supporting the long term mission of the Church as the select vestry with responsibility for the Parish, with the consent of the Diocesan Council and the Representative Body, may propose. The Representative Body shall formulate rules and regulations for the administration and application of the capital of all endowments held under this section and shall present all rules and regulations to the Standing Committee of the General Synod for approval.
28. In any case where sections 26 or 27 apply, not less than 20% of the sale proceeds or compensation shall be held by the Fund in perpetuity for the benefit of all the parishes of the Church of Ireland, in accordance with the provisions of sections 20 and 24.
29. Nothing in this Part of this Chapter shall apply to glebe houses and glebe lands.